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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 1986

71-139 O - 85 (170)

Public Law 99-170
99th Congress

An Act

Dec. 5, 1985
[H.R. 1714]

To authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Aeronautics and Space Administration Authorization Act of 1986".

National Aeronautics and Space Administration Authorization Act of 1986.

TITLE I—NASA AUTHORIZATION

SEC. 101. There is hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1985:

(a) For "Research and development", for the following programs:
(1) Space station, $205,000,000;
(2) Space transportation capability development, $437,300,000;
(3) Physics and astronomy, $620,400,000;
(4) Life sciences, $68,000,000;
(5) Planetary exploration, $354,000,000;
(6) Space applications, $537,800,000;
(7) Technology utilization, $11,100,000;
(8) Commercial use of space, $17,000,000;
(9) Aeronautical research and technology, $354,000,000;
(10) Space research and technology, $166,000,000; and
(11) Tracking and data advanced systems, $16,200,000.

(b) For "Space flight, control and data communications", for the following programs:
(1) Space shuttle production and operational capability, $961,500,000;
(2) Space transportation operations, $1,710,100,000; and
(3) Space and ground network, communications and data systems, $701,300,000.

(c) Except as provided in the last sentence of this subsection for "Construction of facilities", including land acquisition, as follows:
(1) Space transportation facilities at various locations as follows:
(A) Construction of orbiter modification and refurbishment facility, John F. Kennedy Space Center, $14,000,000;
(B) Construction of thermal protection system facility, John F. Kennedy Space Center, $3,600,000;
(C) Modifications for advanced technology engine test stand S-1C, George C. Marshall Space Flight Center, $6,500,000;
(D) Modification for enhanced life support systems testing, Lyndon B. Johnson Space Center, $1,100,000;
(E) Modifications to Pad A payload change-out room, John F. Kennedy Space Center, $2,200,000; and

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(F) Modifications to spac[illegible]e shuttle main engine support systems, National Spac[illegible]e Technology Laboratories, $2,500,000;

(2) Space shuttle payload fa[illegible]cilities at various locations as follows:

(A) Construction of paylo[illegible]ad control rooms, John F. Kennedy Space Center, $1,200,0[illegible]00; and

(B) Construction of space[illegible]craft systems development and integration facility, God[illegible]ldard Space Flight Center, $8,000,000;

(3) Construction of additions [illegible]to research projects laboratory, Goddard Space Flight Center, $3[illegible],800,000;

(4) Construction of microdevi[illegible]ices laboratory, Jet Propulsion Laboratory, $8,900,000;

(5) Construction of numerical[illegible] aerodynamic simulation facility, Ames Research Center, $8,2[illegible]00,000;

(6) Modifications to the 16-foo[illegible]t transonic tunnel for improved productivity and research capab[illegible]ility, Langley Research Center, $4,900,000;

(7) Modification of 64-meter[illegible] antenna, DSS-14, Goldstone, California, $8,500,000;

(8) Modification of 64-meter a[illegible]ntenna, DSS-43, Canberra, Australia, $8,900,000;

(9) Repair of facilities at var[illegible]ious locations, not in excess of $750,000 per project, $22,000,000;

(10) Rehabilitation and modi[illegible]fication of facilities at various locations, not in excess of $7[illegible]50,000 per project, $27,000,000;

(11) Minor construction of [illegible]new facilities and additions to existing facilities at various loc[illegible]ations, not in excess of $500,000 per project, $6,000,000; and

(12) Facility planning and des[illegible]sign not otherwise provided for, $12,000,000.

Notwithstanding paragraphs (1) th[illegible]hrough (12), the total amount authorized by this subsection shall n[illegible]ot exceed $139,300,000.

(d) For "Research and program ma[illegible]anagement", $1,367,000,000, and such additional or supplemental am[illegible]nounts as may be necessary for increases in salary, pay, retiremen[illegible]nt, or other employee benefits authorized by law.

(e) Notwithstanding the provisio[illegible]ns of subsection (h), appropriations hereby authorized for "Res[illegible]search and development" and "Space flight, control and data comm[illegible]unications" may be used (1) for any items of a capital nature (other[illegible] than acquisition of land) which may be required at locations oth[illegible]er than installations of the Administration for the performance[illegible] of research and development contracts, and (2) for grants to n[illegible]onprofit institutions of higher education, or to nonprofit organizat[illegible]ions whose primary purpose is the conduct of scientific research, f[illegible]or purchase or construction of additional research facilities; and t[illegible]itle to such facilities shall be vested in the United States unless[illegible] the Administrator determines that the national program of aerons[illegible]autical and space activities will best be served by vesting title in a[illegible]ny such grantee institution or organization. Each such grant shall[illegible] be made under such conditions as the Administrator shall determin[illegible]e to be required to ensure that the United States will receive theref[illegible]from benefit adequate to justify the making of that grant. None [illegible]of the funds appropriated for "Research and development" and "[illegible]Space flight, control and data communications" pursuant to this [illegible]Act may be used in accordance

Contracts.
Grants.

with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $500,000, unless the Administrator or the Administrator's designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost of such facility.

42 USC 2459a.

(f) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development", for "Space flight, control and data communications" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of 12 months beginning at any time during the fiscal year.

(g) Appropriations made pursuant to subsection (d) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator, and the Administrator's determination shall be final and conclusive upon the accounting officers of the Government.

(h) Of the funds appropriated pursuant to subsections (a), (b), and (d), not in excess of $100,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities: *Provided,* That, of the funds appropriated pursuant to subsection (a) or (b), not in excess of $500,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

SEC. 102. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (11), inclusive, of section 101(c)—

(1) in the discretion of the Administrator or the Administrator's designee, may be varied upward 10 percent, or

Report.

(2) following a report by the Administrator or the Administrator's designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the circumstances of such action, may be varied upward 25 per centum, to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 103. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to section 101(a) or 101(b) may be transferred to and merged with the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of funds appropriated pursuant to section 101(c) (other than funds appropriated pursuant to paragraph (12) of such section) shall be available for expenditure to construct, expand, and modify laboratories and other installations at any location (including locations specified in section 101(c)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) the Administrator determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to

acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless a period of 30 days has passed after the Administrator or the Administrator's designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete statement concerning (i) the nature of such construction, expansion, or modification, (ii) the cost thereof including the cost of any real estate action pertaining thereto, and (iii) the reason why such construction, expansion, or modification is necessary in the national interest.

Prohibition. Report.

SEC. 104. Notwithstanding any other provision of this Act, no amount appropriated pursuant to this Act may be used for any program—

Prohibition.

(1) deleted by the Congress from requests as originally made either to the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Science and Technology of the House of Representatives;

(2) in excess of the amount actually authorized for that particular program by subsections (a), (b), and (d) of section 101; and

(3) which has not been presented to either such committee, unless a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or the Administrator's designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

SEC. 105. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

42 USC 2459 note.

SEC. 106. No civil space station authorized under section 101(a)(1) may be used to carry or place in orbit any nuclear weapon or any other weapon of mass destruction, to install any such weapon on any celestial body, or to station any such weapon in space in any other manner. This civil space station may be used only for peaceful purposes.

Prohibition.

SEC. 107. On and after the date of enactment of this Act, the Inspector General of the National Aeronautics and Space Administration may administer to or take from any person an oath, affirmation or affidavit, whenever necessary in the performance of the functions assigned by the Inspector General Act of 1978 (5 U.S.C. App.). Any such oath, affirmation or affidavit, when administered or taken by or before an investigator or such other employee of the Office of the Inspector General as may be designated by the Inspector General, shall have the same force and effect as if administered or taken by or before an officer having a seal.

SEC. 108. The authorization for space shuttle production and operational capability includes provisions for the production activities necessary to provide for a fleet of four space shuttle orbiters,

including the production of structural and component spare
essary to ensure confident and cost effective operation of th
orbiter fleet as well as provisions for maintaining production
ness for a fifth orbiter vehicle.

42 USC 2451 note.

SEC. 109. Section 204(c) of the National Aeronautics and
Administration Authorization Act, 1985 (Public Law 98-361; 9
430) is amended by striking "twelve" and inserting in lieu t
"18".

Report.

SEC. 110. Within ninety days of the date of enactment of th
the Administrator shall review those recommendations of the
dent's Private Sector Survey on Cost Control and such oth
ommendations as may be included in the Office of Manageme
Budget report "Management of the United States Governm
1986" and shall submit a report to the Speaker of the Ho
Representatives and the President of the Senate and the Com
on Science and Technology of the House of Representatives a
Committee on Commerce, Science, and Transportation of the
on the implementation status of each such recommendation
affects the National Aeronautics and Space Administratio
which are within the authority and control of the Adminis

Study.
Handicapped persons.
42 USC 2451 note.

SEC. 111. The Administrator shall initiate an immediate f
ity study to ensure flight opportunities for a diverse segment
American public, including a physically disabled American.

Report.
42 USC 2466c note.

SEC. 112. The Administrator shall examine and report
Congress on the feasibility of providing space shuttle launch s
on a basis of royalty recovery over the economic life of comm
products produced or processed in space.

Study.
Report.
42 USC 2466c note.

SEC. 113. The Administrator shall conduct a study and re
the Congress on a proposed pricing policy for certain service
as on-orbit service, repair or recovery of spacecraft.

Banks and banking.

SEC. 114. (a) In accordance with the provisions of this s
during fiscal year 1986 the National Aeronautics and
Administration shall defer payment to the Federal Financing
of the amount attributable to principal for which the Admi
tion is obligated during such fiscal year as a result of the c
regarding tracking and data relay satellite services (NAS 5-
entered into under section 6 of the National Aeronautics and
Administration Authorization Act, 1978 (42 U.S.C. 2463).

Contracts.

(b) The amount of any payment deferred under subsection (
be added to the amount of principal for which the Administra
obligated during fiscal year 1993 as a result of such contract,
the addition of such amount, if the total amount of repayme
prepayments under such contract for which the Administra
obligated during fiscal year 1993 exceeds the total amount of
ments and prepayments under such contract for which the Ad
tration was obligated during fiscal year 1992, the Administ
may defer payment of such excess until fiscal year 1994.

Contracts.

(c) The Administrator of the National Aeronautics and
Administration is authorized to renegotiate such contract,
Administrator determines that such renegotiation is necess
enable the Administration to defer payments as provided i
section.

President of U.S.
Report.

SEC. 115. The President shall submit to the Congress
earliest practicable date, but not later than May 1, 1986, a re
any action taken with respect to the establishment in 1992
International Space Year. Such report shall include descript
possible international missions and related research an

cational activities and such other activities as the President may deem appropriate.

TITLE II—SHUTTLE PRICING POLICY FOR COMMERCIAL AND FOREIGN USERS

Space Transportation System.
42 USC 2466.

SEC. 201. The Congress finds and declares that—

(1) the Space Transportation System is a vital element of the United States space program, contributing to the United States leadership in space research, technology, and development;

(2) the Space Transportation System is the primary space launch system for both United States national security and civil government missions;

(3) the Space Transportation System contributes to the expansion of United States private sector investment and involvement in space and therefore should serve commercial users;

(4) the availability of the Space Transportation System to foreign users for peaceful purposes is an important means of promoting international cooperative activities in the national interest and in maintaining access to space for activities which enhance the security and welfare of mankind;

(5) the United States is committed to maintaining world leadership in space transportation;

(6) making the Space Transportation System fully operational and cost effective in providing routine access to space will maximize the national economic benefits of the system; and

(7) national goals and the objectives for the Space Transportation System can be furthered by a stable and fair pricing policy for the Space Transportation System.

42 USC 2466a.

SEC. 202. The purpose of this title is to set the reimbursement pricing policy for the Space Transportation System for commercial and foreign users which is consistent with the findings included in section 201, encourages the full and effective use of space, and is designed to achieve the following goals—

(1) the preservation of the role of the United States as a leader in space research, technology, and development;

(2) the efficient and cost effective use of the Space Transportation System;

(3) the achievement of greatly increased commercial space activity; and

(4) the enhancement of the international competitive position of the United States.

42 USC 2466b.

SEC. 203. For purposes of this title, the term—

(1) "Administrator" means the Administrator of the National Aeronautics and Space Administration; and

(2) "additive cost" means the average direct and indirect costs to the National Aeronautics and Space Administration of providing additional flights of the Space Transportation System beyond the costs associated with those flights necessary to meet the space transportation needs of the United States Government.

42 USC 2466c.

SEC. 204. (a) The Administrator shall establish and implement a pricing system to recover reimbursement in accordance with the pricing policy under section 202 from each commercial or foreign user of the Space Transportation System, which except as provided in subsections (c), (d), and (e) shall include a base price of not less

than $74,000,000 for each flight of the Space Transportation System in 1982 dollars.

Report.

(b) Each year the Administrator shall submit to the President of the Senate, the Speaker of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives, a report, transmitted contemporaneously with the annual budget request of the President, which shall inform the Congress how the policy goals contained in section 202 are being furthered by the shuttle price for foreign and commercial users.

(c)(1) If at any time the Administrator finds that the policy goals contained in section 202 are not being achieved, the Administrator shall have authority to reduce the base price established in subsection (a) after forty-five days following receipt by the President of the Senate, the Speaker of the House, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives of a notice by the Administrator containing a description of the proposed reduction together with a full and complete statement of the facts and circumstances which necessitate such proposed reduction.

(2) In no case shall the minimum price established under subsection (c)(1) be less than additive cost.

(d) The Administrator may set a pri[illegible]lower than the price determined under subsection (a) or (c), or provide no-cost flights, for any commercial or foreign user of the Space Transportation System who is involved in research, development or demonstration programs with the National Aeronautics and Space Administration.

(e) Notwithstanding the provisions of subsection (a), the Administrator shall have the authority to offer reasonable customer incentives consistent with the policy goals in section 202.

42 USC 2466 note.

SEC. 205. This title shall apply to flights of the Space Transportation System beginning on and after October 1, 1988.

TITLE III—OFFICE OF COMMERCIAL SPACE TRANSPORTATION

49 USC app. 2623.

SEC. 301. Section 24 of the Commercial Space Launch Act (Public Law 98-575; 98 Stat. 3064) is amended by adding at the end thereof the following: "There is authorized to be appropriated to the Secretary to carry out this Act $586,000 for fiscal year 1986.".

Approved December 5, 1985.

LEGISLATIVE HISTORY—H.R. 1714:

HOUSE REPORTS: No. 99-32 (Comm. on Science and Technology) and No. 99-379 (Comm. of Conference).
SENATE REPORT No. 99-91 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 131 (1985):
Apr. 3, considered and passed House.
June 27, considered and passed Senate, amended.
Nov. 21, Senate and House agreed to conference report.

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